

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
SOUTHERN DIVISION**

LAURA MEALEY,

Plaintiff,

v.

ALDI, INC. and ALDI, INC. (TENNESSEE),

Defendants.

Case No. 1:20-cv-00131

DEFENDANTS' NOTICE OF REMOVAL

Defendants ALDI Inc. and ALDI Inc. (Tennessee), by their attorneys and pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby remove the above-titled action, which is pending as Case No. 20-0074 in the Chancery Court of Hamilton County, State of Tennessee, to the United States District Court for the Eastern District of Tennessee, Southern Division. In support of their Notice of Removal, Defendants state as follows:

Nature of the Action

1. On January 24, 2020, Plaintiff Laura Mealey filed a Complaint in the Chancery Court of Hamilton County, State of Tennessee, titled *Laura Mealey v. Aldi, Inc. and Aldi, Inc. (Tennessee)*, Case No. 20-0074. Plaintiff's original Complaint contains claims for common law retaliatory discharge and disability discrimination under the Tennessee Disability Act, *Tenn. Code Ann.* § 8-50-103, *et seq.* ("TDA").

2. On April 29, 2020, Plaintiff filed an Amended Complaint and asserted, for the first time, claims arising under federal law for disability discrimination and failure to accommodate under the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101, *et seq.* ("ADA").

3. Defendants were served with the Amended Complaint on April 29, 2020. Pursuant to 28 *U.S.C.* § 1446(a), true and correct copies of the summons and all other pleadings, orders, and other papers or exhibits of every kind, now on file with the Chancery Court of Hamilton County, State of Tennessee are attached hereto as **Composite Exhibit A**.

Basis for Removal

4. Pursuant to 28 *U.S.C.* § 1331, this Court has original jurisdiction over this action because Plaintiff's ADA claims arise under the Constitution, laws, or treaties of the United States.

5. Pursuant to 28 *U.S.C.* § 1367(a), this Court has supplemental jurisdiction over Plaintiff's claims for wrongful discharge in violation of Tennessee's public policy and violation of the TDA because these claims are so related to Plaintiff's ADA claim that they form part of the same case or controversy under Article III of the United States Constitution.

6. Because this action is pending in the Chancery Court of Hamilton County, Tennessee, venue for purposes of removal is proper in this Court pursuant to 28 *U.S.C.* § 1441(a).

Timeliness of Removal

7. This Notice of Removal is timely pursuant to 28 *U.S.C.* § 1446(b), as it is being filed and served within thirty (30) days after Defendants' receipt of a copy of the initial pleading setting forth the federal claims for relief upon which this action is based on April 29, 2020.

Notice of Removal Provided To State Court

8. Prompt written notice of this Notice of Removal is being served upon Plaintiff and the original is being filed with the Clerk of the Court of the Chancery Court of Hamilton County, Tennessee, as required by 28 *U.S.C.* § 1446(d). A copy of the Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**.

Conclusion

9. Removal is proper because this action falls within this Court's original federal question jurisdiction, as well as supplemental jurisdiction, and removal is timely being made to the Eastern District of Tennessee, Southern Division, which embraces the place where this action is pending. Defendants, having met all procedural requisites for removal and having paid the appropriate filing fee, respectfully request that the Court take jurisdiction over this action and conduct all further proceedings.

Respectfully submitted,

ALDI INC. and ALDI INC. (TENNESSEE)

By: s/ Stacie L. Caraway

Stacie L. Caraway
BPR No. 17287
MILLER & MARTIN PLLC
Suite 1200, Volunteer Building
832 Georgia Avenue
Chattanooga, TN 37402
Telephone: (423) 756-6600
Facsimile: (423) 785-8480
E-mail: Stacie.Caraway@millermartin.com

Frederick T. Smith*
North Carolina Bar No. 45229
SEYFARTH SHAW LLP
121 West Trade Street, Suite 2020
Charlotte, North Carolina 28202
Telephone: (704) 925-6023
Facsimile: (704) 559-2425
E-mail: fsmith@seyfarth.com

Alia S. Wynne*
Texas State Bar No. 24060860
SEYFARTH SHAW LLP
700 Milam Street, Suite 1400
Houston, Texas 77002-2812
Telephone: (713) 225-2300
Facsimile: (713) 225-2340
E-mail: awynne@seyfarth.com

**Pro hac vice application forthcoming*

Attorneys for Defendants Aldi Inc. and Aldi
Inc. (Tennessee)

Date: May 27, 2020

CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2020, I filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send electronic notification of such filing to the following counsel of record:

Donna J. Mikel
MIKEL & HAMILL, PLLC
620 Lindsay Street
Suite 200
Chattanooga, TN 37403

E-mail: dmikel@mhemploymentlaw.com

s/ Stacie L. Caraway

Stacie L. Caraway